

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO, GABRIEL A.
TAUSCHER, and SHAWN M. KROLL,

Plaintiffs,

v.

Case No. 2:23-cv-00019

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65, and 5 U.S.C. § 705, Plaintiffs hereby move for a preliminary injunction prohibiting Defendant from implementing and enforcing the “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces’” Rule as published at 88 Fed. Reg. 6478 (Jan. 31, 2023).

CERTIFICATE OF CONFERENCE

This motion is opposed. Pursuant to Local Civil Rule 7.1, undersigned counsel certifies that he conferred with attorneys for Defendant, Jody Lowenstein (USDOJ-CIV), Michael Drezner (USDOJ-CIV), Faith Lowry (USDOJ-CIV) and Brian Stoltz (USA-NDTX), on February 1 & 2, 2023, via email regarding Plaintiffs’ request for a preliminary injunction. Defendant opposes such a request. Therefore, Plaintiffs move for a preliminary injunction to protect their rights from irreparable harm as explained in the brief in support of this motion.

The parties further agreed that the standard deadlines in Local Civil Rule 7.1 are appropriate, and that Defendant will file a response brief within 21 days (Feb. 28), and Plaintiffs may file a reply within 14 days of the response deadline (March 14), or sooner.

Dated: February 7, 2023.

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

s/ Daniel P. Lennington

Richard M. Esenberg (admitted *pro hac vice*)
Daniel P. Lennington (admitted *pro hac vice*)
Lucas T. Vebber (admitted *pro hac vice*)
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202
Telephone: (414) 727-9455
Facsimile: (414) 727-6385
Rick@will-law.org
Dan@will-law.org
Lucas@will-law.org

TORMEY & McCONNELL

Ed J. McConnell (Bar No. 13442500)
Jeffrey W. Tormey (Bar No. 00794746)
310 SW 6th Avenue
Amarillo, TX 79101
Telephone: (806) 414-4087
Ed@tmcattorneys.com
Jeff@tmcattorneys.com